

REMARKS

Claims 1-16 remain pending in this application. Claims 1-11 are rejected. Claim 12 is objected to. Claims 1-3, 6, 8 and 11 are amended herein to clarify the invention, to express the invention in alternative wording, to broaden language as deemed appropriate and to address matters of form unrelated to substantive patentability issues. New claims 13-16 are added.

Applicants herein traverse and respectfully request reconsideration of the rejection of the claims cited in the above-referenced Office Action.

Claim 12 is objected to under 37 CFR 1.75(c) as being in improper form due to an alleged issue regarding multiple dependancy of claim 11, the details of which are not clearly enunciated in the Office Action. Applicants respectfully traverse the objection to the extent it is understood. The section of the MPEP and CFR referenced by the Examiner, i.e., §608.01(n) and 37 CFR 1.759(c), both relate to proper multiple dependent claims, and require simply that (1) a multiple dependent claim must refer back to the claims from which it depends in the alternative and (2) a multiple dependent claim shall not serve as a basis for another multiple dependent claim. Applicants respectfully submit that neither of these mandates have been violated, since claim 11 is written in the alternative, and claim 12, which depends from multiple dependent claim 11, is not itself a multiple dependent claim. Therefore, withdrawal of the objection is respectfully requested.

Claim 8 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite due to unclear language. Claim 8 is amended with consideration of the Examiner's basis of rejection. Therefore, withdrawal of the rejection is respectfully requested.

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Ikoma et al. (US 5,663,007). Applicants herein respectfully traverse these rejections. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). It is respectfully submitted that the cited reference is deficient with regard to the following.

Claim 1 is amended, and recites in pertinent part the following:

a metal case having an elliptical or rectangular cross section;

a metal sealing plate for sealing an opening at one end of the case; and

an electrode plate assembly, the electrode plate assembly being housed in the case together with an electrolyte solution, both longer side faces of the case

including continuous or discontinuous projecting ridges which are disposed in opposed respective positions of said side faces between a bottom face opposite to the opening and said opening, said projecting ridges extending to the bottom face and to the opening.

These recitations provide for projecting ridges that extend to the bottom face and the opening. As explained, for example, at page 13 of the present specification, such ridge structure advantageously allows the welding portions 22 extending crosswise between opposed ridges 21 to be formed over a full width of the positive and negative electrode end faces in a position corresponding to the bottom face and the opening of the case (As illustrated, for example, in Fig. 2). It is respectfully submitted that Ikoma et al. fails to teach or suggest such claimed structure. Rather, in stark contrast to the claimed invention of independent claim 1, the cited reference shows ridges which do not continue to the opening in casing 3 (See Fig. 2 of Ikoma et al.).

Claim 1 particularly describes and distinctly claims at least one element not disclosed in the cited reference. Therefore, reconsideration of the rejection of claim 1 and its allowance are respectfully requested.

Claims 5, 10 and 11/5 are rejected under 35 U.S.C. §103(a) as obvious over the the Ikoma et al. reference in view of the Asahina et al. reference (US Pub. 2003/0027040). Claims 2-4, 6, 7, 9 and 11/7 are rejected under 35 U.S.C. §103(a) as obvious over the Ikoma et al. reference in view of the Asahina et al. reference, and further in view of the Masuda et al. reference (US 4,865,932). Lastly, claim 8 is rejected under 35 U.S.C. §103(a) as obvious over the Ikoma et al. reference in view of the Morishita et al. reference (US 5,747,186). The applicants herein respectfully traverse these rejections.

It is respectfully submitted that the various proffered combinations of references cannot render the rejected claims obvious because none of the secondary Asahina et al., Masuda et al., and Morishita et al. references provides the teaching noted above with respect to the anticipation rejection of parent claim 1 that is absent from the primary Ikoma et al. reference. Thus, the combinations of prior art references each fails to teach or suggest all the claim limitations, as properly required for establishing a *prima facie* case of obviousness.

Moreover, while the Examiner alleges that secondary Asahina et al. teaches the attachment of battery cells in a end-to-end fashion, her argument ignores the contrary disclosure in the primary Ikoma et al. reference, which specifically instructs that the ribs 4 are to be abutted with ribs of an adjacent cell (see, for

example, col.4, lines 59-62), which disposition teaches away from the claimed invention.

It is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 2-11 and their allowance are respectfully requested.

Claims 13-16 are added and are submitted as patentable over the cited art of record. Independent claim 13 recites subject matter directed to first and second side faces of the case which include projecting ridges arranged codirectionally with a case axis and which are disposed in opposed respective positions of the first and second side faces between a bottom face and an opening in an opposite end wherein end portions of the projecting ridges extend to the bottom face and to the opening, which, among other features recited therein, is not believed disclosed in the cited art in the manner as claimed. Dependent claims 14-16 are patentable based on the subject matter recited therein in addition to the subject matter of claim 13.

Applicant respectfully requests a two (2) month extension of time for responding to the Office Action. **The fee of \$450 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.**

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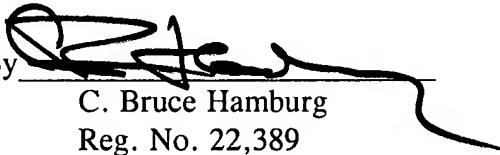
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missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,

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